

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 19-2809

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SAM HARGROVE; ANDRE HALL; MARCO EUSEBIO,  
individually and on behalf of all others similarly situated,  
Appellants

v.

SLEEPY'S LLC

v.

I STEALTH LLC; EUSEBIO'S TRUCKING CORP.; CURVA TRUCKING LLC

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 3-10-cv-01138)  
District Judge: Honorable Peter G. Sheridan

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Argued May 27, 2020

Before: AMBRO, HARDIMAN, and RESTREPO, Circuit Judges

**JUDGMENT**

This cause came on to be heard on the record before the United States District Court for the District of New Jersey and was argued on May 27, 2020.

On consideration whereof, IT IS ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered August 1, 2019, is hereby reversed and remanded. Costs taxed against Appellee. All of the above in accordance with the opinion of this Court.

ATTEST:

s/Patricia S. Dodszuweit  
Clerk

Dated: September 9, 2020

OFFICE OF THE CLERK

**PATRICIA S. DODSZUWEIT**  
**CLERK**



**UNITED STATES COURT OF APPEALS**  
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September 9, 2020

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RE: Sam Hargrove, et al v. Sleepys LLC  
Case Number: 19-2809  
District Court Case Number: 3-10-cv-01138

ENTRY OF JUDGMENT

Today, **September 09, 2020** the Court entered its judgment in the above-captioned matter pursuant to Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:

14 days after entry of judgment.  
45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:

3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App.

P. 32(g).  
15 pages if hand or type written.

Attachments:

A copy of the panel's opinion and judgment only.  
Certificate of service.  
Certificate of compliance if petition is produced by a computer.  
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

A party who is entitled to costs pursuant to Fed.R.App.P. 39 must file an itemized and verified bill of costs within 14 days from the entry of judgment. The bill of costs must be submitted on the proper form which is available on the court's website.

A mandate will be issued at the appropriate time in accordance with the Fed. R. App. P. 41.

Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,

s/Patricia S. Dodszuweit,  
Clerk

By: Stephanie  
Case Manager  
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